UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
COUGHLAN, PETER D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _13 November 2008_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-21_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-21_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _6/20/2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1.   This office action is in response to an AMENDMENT entered November 13, 2008

for the patent application 09/868664 filed on June 20, 2001.

2.   All previous Office Actions are fully incorporated into this Final Office Action by

reference.

3.   Examiner's Comment: Although, the terms 'carrier wave' or 'carrier signal' is not

specifically mentioned within the specification, the Examiner will exclude these

interpretations wherein the context of 'memory' is disclosed.

Status of Claims

4.   Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 7, 10-12, 14, 16, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Chiang (hereinafter referred to as **Chiang**), in view of RationalInvestors. (WO 98/44443, referred to as **RationalInvestors**)

Claim 1

Chiang anticipates matching a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task (**Chiang,** C5:8-35; 'Profile' of applicant is equivalent to 'tutorial system' of Chiang. 'Simulation domain' of applicant is equivalent to 'product' of Chiang. Therefore 'simulation task' of applicant is the current 'product' which is being taught by the tutorial system.); presenting information indicative of a goal (**Chiang,** C9:24 through C10:41; 'Presenting information indicative of a goal' of applicant is equivalent to a 'lesson' of Chiang.): integrating information that motivates accomplishment of the goal (**Chiang,** C9:24 through C10:41; The integration of information of applicant is disclosed by the 'overview of a first lesson' of Chiang.); monitoring progress toward the goal determining at least one profile that is true, for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, (**Chiang,** C3:9-19; 'Monitoring' of applicant is equivalent to 'monitor' of Chiang. 'Providing feedback' of applicant is equivalent to 'provide input assistance' of Chiang.), the at least one profile comprises at least one collective characteristic the at least one collective characteristic

being a conditional using a plurality of characteristics as operands (**Chiang,** C5:8-35,

C7:17-39, C9:24 through C10:41, C3:21-45; 'Profile' of applicant is equivalent to 'tutorial

system' of Chiang. The 'tutorial system' is composed of tutorial information. The tutorial

information is presented by a series of lesson panels. Each lesson panel can be seen as a

characteristic. Then the series of lesson panels can be seen as the 'collective characteristic'

of applicant.)

Chiang does not teach at a particular instance of time, each characteristic

identifying a subset of the simulation domain at least one of the plurality of

characteristics being time dependent.

RationalInvestors teaches at a particular instance of time, each characteristic

identifying a subset of the simulation domain at least one of the plurality of

characteristics being time dependent. (**RationalInvestors,** p35-36; 'Rational Investor' is

an educational systems that can be used for multiple domains. Pages 35-36 illustrate a

domain connected with investing in US Stocks. Training how to buy and sell stocks has

the element of 'time' linked to it. Pages 35 and 36 disclose buying at time 'x' and holding

the period 'y' are both elements connected with time.) It would have been obvious to a

person having ordinary skill in the art at the time of applicant's invention to modify the

teachings of Chiang by incorporating time as an input element as taught by

RationalInvestors to have at a particular instance of time, each characteristic identifying

a subset of the simulation domain at least one of the plurality of characteristics being

time dependent.

For the purpose of having an educational system which can implemented in real world training models.

Chiang anticipates displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes, wherein the tutorial presentation provides a cognitive educational experience. (**Chiang,** C9:24 through C10:41; 'Displaying details' of applicant is accomplished by the 'tutorial window' and the 'product window' of Chiang.)

Claims 2, 11.

Chiang anticipates instantiating a particular feedback model based on characteristics of the student. (**Chiang,** C3:20-44; 'Instantiating a particular feedback' of applicant is illustrated by 'each panel sequentially lists and describes one or more user input actions' of Chiang.)

Claims 3, 12.

Chiang anticipates receiving and analyzing user responses using rule based expert training system to determine details of the computer-implemented method to display. (**Chiang,** C7:17-39; 'Expert system' of applicant is equivalent to 'expert system' of Chiang.)

Claims 5, 14.

Chiang anticipates displaying source code of the tutorial presentation as the tutorial

presentation executes. (**Chiang,** C9:24 through C10:41; 'Displaying source code' of applicant

is the output which is displayed on both the 'tutorial window' and the 'product window' of

Chiang.)

Claims 7, 16.

Chiang anticipates capturing portions of the tutorial presentation in response to a user

input as the tutorial presentation executes. (**Chiang,** abstract; 'Capturing portions' of applicant

is equivalent to 'input system' of Chiang.)

Claim 10

Chiang anticipates a processor that runs a computer program to create the tutorial

presentation, the computer program comprising of logic (**Chiang,** abstract; 'Processor' of

applicant is equivalent to 'CPU' of Chiang.); a memory that stores information under control of

the processor(**Chiang,** abstract; 'Memory' of applicant is equivalent to 'data storage device'

of Chiang.) matching a profile against a simulation domain, wherein the profile

comprises a set of criteria and identifies a desired aspect for a current simulation task

(**Chiang,** C5:8-35, C7:17-39, C9:24 through C10:41; 'Profile' of applicant is equivalent to

'tutorial system' of Chiang. 'Simulation domain' of applicant is equivalent to 'product' of

Chiang. Therefore 'simulation task' of applicant is the current 'product' which is being taught

by the tutorial system. 'Set of criteria' of applicant is equivalent to 'tutorial window' and

'product window' of Chiang.); presenting information indicative of a goal (**Chiang,** C9:24

and

through C10:41; 'Presenting information indicative of a goal' of applicant is equivalent to

a 'lesson' of Chiang.): integrating information that motivates accomplishment of the goal

(**Chiang,** C9:24 through C10:41; The integration of information of applicant is disclosed

by the 'overview of a first lesson' of Chiang.); logic monitoring progress toward the goal

determining at least one profile that is true, for the current simulation task from a set of

profiles, and providing feedback to a student, based on the at least one profile (**Chiang,**

C3:9-19, C5:8-35, C7:17-39, C9:24 through C10:41, C3:21-45; 'Profile' of applicant is

equivalent to 'tutorial system' of Chiang. 'Monitoring' of applicant is equivalent to 'monitor'

of Chiang. 'Providing feedback' of applicant is equivalent to 'provide input assistance' of

Chiang.), comprising at least one collective characteristics the at least one collective

characteristic being a conditional using a plurality of characteristics as operands at a

particular instance of time, each characteristic identifying a subset of the simulation

domain the at least one profile conjunctively using a plurality of characteristics, each

characteristic identifying a subset of the simulation domain (**Chiang,** C5:8-35, C7:17-39,

C9:24 through C10:41, C3:21-45; The 'tutorial system' is composed of tutorial information.

The tutorial information is presented by a series of lesson panels. Each lesson panel can be

seen as a characteristic. Then the series of lesson panels can be seen as the 'collective

characteristic' of applicant. 'Subset of the simulation domain' of applicant is disclosed by the

'linked hierarchically to step panels' of Chiang. 'Conjunctively using a plurality of

characteristics' of applicant is disclosed by 'the lesson panels are linked sequentially to

other panels' of Chiang.)

Chiang does not teach at least one of the plurality of characteristics being time dependent.

RationalInvestors teaches at least one of the plurality of characteristics being time dependent. (**RationalInvestors,** p35-36; 'Rational Investor' is a educational systems that can be used for multiple domains. Pages 35-36 illustrate a domain connected with investing in US Stocks. Training how to buy and sell stocks has the element of 'time' linked to it. Pages 35 and 36 disclose buying at time 'x' and holding the period 'y' are both elements connected with time.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Chiang by incorporating time as an input element as taught by RationalInvestors to have at least one of the plurality of characteristics being time dependent.

For the purpose of having a educational system which can implemented in real world training models.

Chiang anticipates logic that displays details of the computer-implemented method and that displays the tutorial presentation as the tutorial presentation executes, wherein the tutorial presentation provides a cognitive educational experience. (**Chiang,** C9:24 through C10:41; 'Displaying details' of applicant is accomplished by the 'tutorial window' and the 'product window' of Chiang.)

Claim 19

Chiang anticipates matching a profile against a simulation domain, wherein the profile comprises a set of criteria and identifies a desired aspect for a current simulation task (**Chiang,** C5:8-35, C7:17-39, C9:24 through C10:41; 'Profile' of applicant is equivalent to 'tutorial system' of Chiang. 'Simulation domain' of applicant is equivalent to 'product' of Chiang. Therefore 'simulation task' of applicant is the current 'product' which is being taught by the tutorial system. 'Set of criteria' of applicant is equivalent to 'tutorial window' and 'product window' of Chiang.); presenting information indicative of a goal (**Chiang,** C9:24 through C10:41; 'Presenting information indicative of a goal' of applicant is equivalent to a 'lesson' of Chiang.): integrating information that motivates accomplishment of the goal (**Chiang,** C9:24 through C10:41; The integration of information of applicant is disclosed by the 'overview of a first lesson' of Chiang.); monitoring progress toward the goal determining at least one profile that is true, for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, comprising at least one collective characteristic, the at least one collective characteristic being a conditional using a plurality of characteristics as operands at a particular instance of time, each characteristic identifying a subset of the simulation domain the at least one profile conjunctively using a plurality of characteristics, each characteristic identifying a subset of the simulation domain. (**Chiang,** C5:8-35, C7:17-39, C9:24 through C10:41, C3:9-45; 'Monitoring' of applicant is equivalent to 'monitor' of Chiang. 'Providing feedback' of applicant is equivalent to 'provide input assistance' of Chiang. 'Profile' of applicant is equivalent to 'tutorial system' of Chiang. The 'tutorial system' is composed of tutorial information. The tutorial information is presented by a series of lesson panels. Each

lesson panel can be seen as a characteristic. Then the series of lesson panels can be seen as the 'collective characteristic' of applicant. 'Subset of the simulation domain' of applicant is disclosed by the 'linked hierarchically to step panels' of Chiang. 'Conjunctively using a plurality of characteristics' of applicant is disclosed by 'the lesson panels are linked sequentially to other panels' of Chiang.)

Chiang does not teach at least one of the plurality of characteristics being time-dependent.

RationalInvestors teaches at least one of the plurality of characteristics being time-dependent. (**RationalInvestors,** p35-36; 'Rational Investor' is a educational systems that can be used for multiple domains. Pages 35-36 illustrate a domain connected with investing in US Stocks. Training how to buy and sell stocks has the element of 'time' linked to it. Pages 35 and 36 disclose buying at time 'x' and holding the period 'y' are both elements connected with time.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Chiang by incorporating time as an input element as taught by RationalInvestors to have at least one of the plurality of characteristics being time dependent.

For the purpose of having a educational system which can implemented in real world training models.

Chiang teaches displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes, wherein the tutorial presentation provides a cognitive educational experience. (**Chiang,** C9:24

through C10:41; 'Displaying details' of applicant is accomplished by the 'tutorial window' and the 'product window' of Chiang.)

Claim 20.

Chiang anticipates (d) (i) identifying a subset of the simulation domain from at least one characteristic of the profile; and (**Chiang,** C9:24 through C10:41; 'Plurality of characteristics' of applicant is equivalent to 'steps' of Chiang. 'Each characteristic identifying a subset' of applicant is equivalent to "steps are like subtasks' of Chiang. Therefore 'subset' of applicant is equivalent to 'subtasks' of Chiang. Therefore a single characteristic of applicant is equivalent to 'subtask' of Chiang.) (d)(ii) determining the feedback in accordance with the subset of the simulation domain. (**Chiang,** C3:9-19; 'Determining the feedback' of applicant is equivalent to 'provide input assistance' of Chiang.)

Claim 21

Creating another profile that reuses at least one of the pluralities of characteristics (**Chiang,** C3:66 through C4:10; 'Creating another profile that reuses at least one of the pluralities of characteristics' of applicant is illustrated by the 'lesson control file is structured hierarchically.' If a student wants (creates) another profile that is higher in the hierarchically structure, all of the smaller characteristics would be incorporated into that profile; and providing subsequent feedback to the student, based on the other profile. (**Chiang,** C3:9-19; 'Providing subsequent feedback' of applicant is equivalent to 'provide input assistance' of Chiang.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 4, 6, 8, 9, 13, 15, 17, 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the combination of Chiang and RationalInvestors as set forth above,

in view of Goleh. (U. S. Patent 5372507, referred to as **Goleh**)

Claims 4, 13.

Chiang and RationalInvestors do not teach browsing details of an object as the

tutorial presentation executes.

Goleh teaches browsing details of an object as the tutorial presentation

executes. (**Goleh,** C3:24-45; 'Browsing details' of applicant is equivalent to 'menu

based system' of Goleh.) It would have been obvious to a person having ordinary skill

in the art at the time of applicant's invention to modify the teachings of Chiang and

RationalInvestors by presenting an outline of the tutorial as taught by Goleh to have browsing details of an object as the tutorial presentation executes.

For the purpose of disclosing to the user an outline of the lesson to aid in understanding the concept of the lesson.

Claims 6, 15.

Chiang and RationalInvestors do not teach modifying the tutorial presentation based on a user input as the tutorial presentation executes.

Goleh teaches modifying the tutorial presentation based on a user input as the tutorial presentation executes. (**Goleh,** C3:24-45; 'Modifying the tutorial presentation' of applicant is equivalent to 'As the student progresses through the tutorial, information that is necessary to the student's successful completion of the task at hand may be presented in the appropriate context most conductive to the student's best learning of the immediate subject' of Goleh. By being able to evaluate the task at hand, and providing information at hand indicates the ability to modify the tutorial presentation.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Chiang and RationalInvestors by disclosing lessons which are indicated as taught by Goleh to have the tutorial presentation based on a user input as the tutorial presentation executes.

For the purpose of limiting the tutorial only to the topic thus having increased efficiency.

Claims 8, 17.

Chiang and RationalInvestors do not teach tailoring feedback based on a user input

Is the tutorial presentation executes.

Goleh teaches tailoring feedback based on a user input Is the tutorial presentation

executes. (**Goleh,** C3:24-45, C5:31-54; Goleh discloses the ability to anticipate. Goleh

discloses responses to input and evaluation. 'Tailoring feedback' of applicant is

disclosed by 'Upon detection, the student is informed of the error through the monitor

and appropriate help is given by the tutorial to the student.' Therefore, 'feedback' of

applicant is equivalent to 'help of Goleh.) It would have been obvious to a person

having ordinary skill in the art at the time of applicant's invention to modify the teachings

of Chiang and RationalInvestors by providing feedback to only what is taught as taught

by Goleh to have tailored feedback based on a user input Is the tutorial presentation

executes.

For the purpose of limiting the feedback only to the topic thus having increased

efficiency.

Claims 9, 18.

Chiang and RationalInvestors do not teach presenting a tailored simulation based

on user input as the tutorial presentation executes.

Goleh teaches presenting a tailored simulation based on user input as the tutorial

presentation executes. (**Goleh,** C5:15-30; 'Presenting a tailored simulation' of applicant

is illustrated by 'possible menu selections may be presented to the student through the

monitor to which the student may respond by supplying input through the keyboard to

interactively control the operation of the tutorial' of Goleh.) It would have been obvious

to a person having ordinary skill in the art at the time of applicant's invention to modify

the teachings of Chiang and RationalInvestors by displaying only what is requested as

taught by Goleh to presenting a tailored simulation based on user input as the tutorial

presentation executes.

For the purpose of limiting the presentation only to the topic thus having

increased efficiency.

Response to Arguments

6.   Applicant's arguments filed on November 13, 2008 for claims 1-21 have been

fully considered but are not persuasive.

7.   In reference to the Applicant's argument:

REMARKS

Claims 1-21 are pending. Claims 1-21 stand rejected by this Office Action. Applicant is
amending claims 1, 10, and 19. Applicant requests reconsideration of claims 1-21 for
the reasons as will be discussed.

Applicant acknowledges the withdrawal of the rejections of claims 1, 10, and 19 under
35 U.S.C. § 112, first paragraph.

Substance of Interview on October 1 and October 8, 2008

Applicant and Examiner Coughlan discussed the 112 rejection of claims 7 and 16 and the 103 rejection of claim 1. Examiner Coughlan indicated that he will withdraw the 112 rejection based on the written description in the specification. Applicant and Examiner Coughlan also discussed possible amendments to claim 1 regarding the 103 rejection. However, no agreement was reached.

Claim Rejections - 35 U.S.C. §112
Claims 7 and 16 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Office Action alleges that (Page 7.):
Claims 7, 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These claims use the term 'capturing portions' which is not clear in response to the specification. Is this outputting the results in response to a user's input? The Examiner does not want to make assumptions on what is meant by 'capturing portions' but feels this is easily remedied by amending the claims to fit language used within the specification.

Applicant believes that claims 7 and 16 comply with 35 U.S.C. 112, first paragraph. For example, the specification discloses that the student can move forward and back through that stack of transactions (as presented in the tutorial presentation). (Page 15, line 11 - page 16, line 12.) Consequently, portions of the tutorial presentation are captured so that the student can move back and forward in the presentation. During the telephonic interview on October 1, 2008, Examiner Coughlan appeared to concur with Applicant's arguments. Applicant requests reconsideration of claims 7 and 16.

Examiner's response:

        In light of the telephone interview and applicant's arguments, the Examiner

withdraws the rejection.

8.   In reference to the Applicant's argument:

Claim Rejections - 35 U.S.C. §102

Claims 1-3, 5, 7, 10-12, 14, 16, and 19-21 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,535,422 (Chiang).

Regarding claim 1, Applicant is amending the claim to include the feature of "monitoring progress toward the goal, determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile the at least one profile comprising at least one collective characteristic, the at least one collective characteristic being a conditional using a plurality of characteristics as operands at a particular instance of time, each characteristic identifying a subset of the simulation domain, at least one of the plurality of characteristics being time-dependent."~ The amendment is supported by the specification as originally filed, e.g., page 9, line 32 -page 10, line 6.

Regarding claim 1, the Office Action alleges (Page 18.)
The applicant states that 'Chiang fails to even suggest the feature of monitoring progress toward the goal, determining at least one profile that is true for the current simulation task from a set of profiles, and providing feedback to a student, based on the at least one profile, the at least one profile comprising at least one collective characteristic, the at least one collective characteristic being a conditional using a plurality of characteristics as operands, each characteristic identifying a subset of the simulation domain.' The Examiner disagrees. 'Monitoring' of applicant is equivalent to 'monitor' of Chiang. 'Providing feedback' of applicant is equivalent to 'provide input assistance' of Chiang. (Chiang, C3:9- 19) 'Profile' of applicant is equivalent to 'tutorial system' of Chiang. The 'tutorial system' is composed of tutorial information. The tutorial information is presented by a series of lesson panels. Each lesson panel can be seen as a characteristic. Then the series of lesson panels can be seen as the 'collective characteristic' of applicant. (Chiang, C5:8-35, C7: 17-39, C9:24 through C10:41, C3:21-45)

As alleged by the Office Action, Chiang discusses tutorial information that is presented in a series of lesson panels, where a lesson panel is equivalent to a characteristic. Chiang requires that a user sequence through a series of lesson panels. Each lesson panel (characteristic) is separated in time as a user sequences through the lesson panels. For example, action bar selections (as shown in fig. 6 of Chiang) typically change as the user progresses from one lesson panel to another. Consequently, the teachings of Chaing fail to consider a plurality of characteristics at a particular instance of time when at least one of the characteristics is time-dependent (i.e., change with time).

Independent claim 10 includes the similar feature of "logic that monitors progress toward the goal, determines at least one profile that is true for the current simulation task from a set of profiles, and provides feedback to a student, based on the at least one profile, the at least one profile comprising at least one collective characteristic, the

at least one collective characteristic being a conditional using a plurality of characteristics as operands at a particular instance of time_, each characteristic identifying a subset of the simulation domain, at least one of the plurality of characteristics being time-dependent." Also, independent claim 19 includes the feature of "monitoring progress toward the goal, determining at least one profile from that is true for the current simulation task a set of profiles, and providing feedback to a student, based on the at least one profile, the at least one profile comprising at least one collective characteristic, the at least one collective characteristic being a conditional using a plurality of characteristics as operands at a particular instance of time, each characteristic identifying a subset of the simulation domain, at least one of the plurality of characteristics being time-dependent." Moreover, claims 2-3, 5, 7, 11-12, 14, 16, and 20-21 ultimately depend from claims 1, 10, and 19. Applicant requests reconsideration of claims 1-3, 5, 7, 10-12, 14, 16, and 19-21.

Claim Rejections - 35 U.S.C. §103

Claims 4, 6, 8, 9, 13, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Chiang in view of U.S. Patent No. 5,372,507 (Goleh).

Claims 4, 6, 8, 9, 13, 15, 17, and 18 ultimately depend from independent claims 1 and 10. Moreover, the deficiencies of Chiang are not remedied by Goleh, and thus claims 4, 6, 8, 9, 13, 15, 17, and 18 are patentable for at least the above reasons. Applicant requests reconsideration of claims 4, 6, 8, 9, 13, 15, 17, and 18.

Examiner's response:

The Examiner notes that the phrase 'time-dependent' is not mentioned within the specification. The Examiner used a new reference to illustrate characteristics being time dependent. 'Rational Investor' is a educational systems that can be used for multiple domains. Pages 35-36 illustrate a domain connected with investing in US Stocks. Training how to buy and sell stocks has the element of 'time' linked to it. Pages 35 and 36 disclose buying at time 'x' and holding the period 'y' are both elements connected with time. (**RationalInvestors**, p35-36)

Examination Considerations

9.   The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light

of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023,

1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in

the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ

541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The

Examiner has the full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the

art. Such an approach is broad in concept and can be either explicit or implicit in

meaning.

10.   Examiner's Notes are provided to assist the applicant to better understand the

nature of the prior art, application of such prior art and, as appropriate, to further

indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and sprit of compact prosecution. However, and

unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that

one of ordinary skill in the art would find inherently appropriate.

11.   Examiner's Opinion: Paragraphs 9 and 10 apply. The Examiner has full latitude
to interpret each claim in the broadest reasonable sense.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in
this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

13.   Claims 1-21 are rejected.

Correspondence Information

14.   Any inquiry concerning this information or related to the subject disclosure should

be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-

5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45

p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor David Vincent can be reached at (571) 272-3080. Any response to this

office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 272-3150 (for formal communications intended for entry.)

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions

on access to Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll free).

/Peter Coughlan/

Examiner, Art Unit 2129

Peter Coughlan

12/11/2008

/David R Vincent/

Supervisory Patent Examiner, Art Unit 2129